

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

MICHAEL STADLER

PLAINTIFF

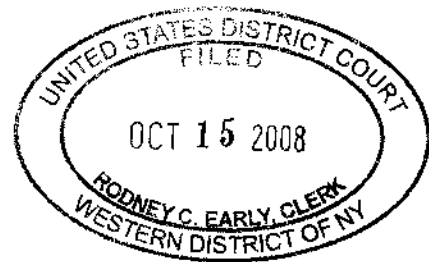
v.

MICHAEL J. ASTRUE
COMMISSIONER OF SOCIAL SECURITY

DEFENDANT.

DECISION AND ORDER

Civil Action No. 03-CV-6448L



On September 29, 2008, plaintiff, in this action for Social Security benefits, moved for an order awarding attorney's fees pursuant to 42 USC §406(b)(1)(Dkt. #12). Plaintiff's attorney seeks fees in the amount of \$10,534.75 on the basis of a contingent-fee agreement between plaintiff and plaintiff's attorney, William J. McDonald, Jr., Esq. By letter dated October 7, 2008, defendant Michael J. Astrue, Commissioner of Social Security, advised that he does not oppose the motion. (Dkt. #14).

The Court has reviewed plaintiff's motion and the contingent-fee agreement between plaintiff and counsel. I find that the agreement and the requested award are reasonable under 42 USC §406(b)(1)(A) and *Gisbrecht v. Barnhart* 535 US 789, 808 (2002).

Accordingly, plaintiff's motion for attorney's fees in the amount of \$10,534.75 pursuant to 42 USC §406(b)(1) is **GRANTED**. The award is to be made payable to William J. McDonald, Jr., Esq., attorney for plaintiff. Upon receipt of this award, McDonald is ordered to pay to the plaintiff, Michael Stadler, \$4,837.00, which is the amount of the previous award of counsel fees pursuant to the Equal Access to Justice Act.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer".

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York

October 15, 2008